

## **LEGISLATIVE COUNCIL BRIEF**

(Cap. 159 sub. leg. AD)

### **Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2014 (Commencement) Notice**

1. The Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2014 (the “Amendment Rules”) were gazetted on 3 October 2014. No amendments were made during the negative vetting period which expired on 3 December 2014.
2. The amendments were set out in the attached previous Legislative Council Brief.
3. Pursuant to section 1 of the Amendment Rules, the President of the Law Society appointed 2 July 2015 as the Commencement Date of the Amendment Rules.

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### Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2014

1. Section 73 of the Legal Practitioners Ordinance empowered the Council of The Law Society of Hong Kong to make the Summary Disposal of Complaints (Solicitors) (Amendment) Rules (“the Amendment Rules”) subject to the prior approval of the Chief Justice.
2. The Summary Disposal of Complaints (Solicitors) Rules (“the principal Rules”) set out a statutory mechanism enabling The Law Society to dispose of a breach of the relevant prescribed provision, practice direction or principle of professional conduct in a summary manner.
3. The Schedule to the principal Rules specifies the relevant provision, practice direction or principle of professional conduct. The fixed penalty is HK\$10,000 and the fixed investigation cost is HK\$15,000.
4. The Amendment Rules amended the principal Rules in the following manner:
  - (a) The reference of “Practice Directions 1990” in the Schedule to the principal Rules be amended to “Practice Directions” because “Practice Directions 1990” was renamed as “Practice Directions”. The consolidated Practice Directions were first issued in 1990. Since then, new Practice Directions have been issued. The reference to “1990” may create confusion as to the effective date of the newly issued Practice Directions.
  - (b) A new heading in the Schedule to the principal Rules entitled the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) (*RME Rules*) is introduced. The scheduled items under this new heading are sections 5(1), 6(1) and 7(2) of the RME Rules. Section 5(1) of the RME Rules refers to the completion requirement of general core course. Section 6(1) of the RME Rules refers to the completion requirement of principal’s core course and section 7(2) refers to the completion requirement of elective course.
5. The Commencement Date of the Amendment Rules is to be appointed by the President of The Law Society by notice published in the Gazette.